

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION**

**DOUGLAS McPHERSON,**

**Plaintiff,**

**v.**

**SOCIAL SECURITY ADMINISTRATION  
and INGHAM COUNTY,**

**Defendants.**

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**No. 1:09-0063  
Judge Echols**

**ORDER**

After Plaintiff, pro se, filed this suit against the Social Security Administration and Ingham County, Michigan seeking declaratory and other relief relating to garnishment and the withholding of a portion of his monthly Social Security benefits, the Magistrate Judge conducted a frivolity review under 28 U.S.C. § 1915(e) and entered a Report and Recommendation (“R & R”) (Docket Entry No. 14). In the R & R, the Magistrate Judge recommends that Plaintiff’s Verified Petition for Declaratory Judgment and Relief (Docket Entry No. 1) be dismissed for failure to state a claim upon which relief can be granted. The Magistrate Judge further determined that Plaintiff’s proposed Amended Petition (Docket Entry No. 3-1) also fails to state a claim upon which relief can be granted. Despite being apprised of his right to object to the R & R, Plaintiff has filed no objections.

Where no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed.R.Civ.P. 72(b). In this case, after reviewing the Verified Petition and Plaintiff proposed Amended Petition, the Court finds, for the reasons explained in the R & R, that the Magistrate Judge was correct in determining neither petition states a claim upon which relief

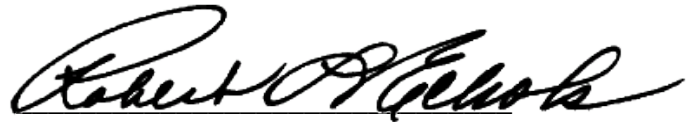
may be granted against the named Defendants. The Court also agrees with the Magistrate Judge's conclusion that any *in forma pauperis* appeal of this determination would not be taken in good faith. See, 28 U.S.C. § 1915(a)(3).

Accordingly, the Court rules as follows:

- (1) The R & R (Docket Entry No. 14) is hereby ACCEPTED AND APPROVED;
- (2) Plaintiff's Verified Petition for Declaratory Judgment and Relief (Docket Entry No. 1) is hereby DISMISSED in accordance with 28 U.S.C. § 1915(e)(2)(b) because it fails to state a claim on which relief may be granted;
- (3) Plaintiff's Motion to Amend (Docket Entry No. 3) is hereby DENIED; and
- (4) Any *in forma pauperis* appeal of this Order would not be taken in good faith.

Entry of this Order on the docket shall constitute entry of a final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style.

ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE